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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/501,144 | 07/13/2004 | Gerald Serres Vives | SERRES VIVES2 | 5363 |

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| EXAMINER |
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AKBAR, MUHAMMAD A

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| ART UNIT | PAPER NUMBER |
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2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/23/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/501,144

Applicant(s)

VIVES ET AL.

Examiner

Muhammad Akbar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. PCT/FR03/00056.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/13/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoedler et al (U.S. Patent No. 5,280,635) and in view of R.D. Leland (U.S. Patent No. 3,289,085).

Re claim 1, Knoedler discloses a transceiver set for a baby monitor, having a transmitter unit in combination with a receiver unit (see abstract), and the transmitter unit has a rear housing side (12 of fig. 5) can be removed for supporting to allow other structures inside of the transmitter (see fig. 1-3, 5 and col. 3 lines 39-60). [Transceiver set has a transmitter and receiver unit, since cover unit need to remove for inserting the receiver unit therefore cover unit has a greater dimension than receiver unit]. But failed to disclose explicitly that transmitter has removable wall permitting access to the interior of an enclosure. However, Leland teaches portable transmitter structure wherein transmitter comprises a transmitter housing (12 of fig. 1) having a removable cover (40, 42 of fig. 3) for inserting the access to the inner side of cover i.e. enclosure (see 44 of fig. 3, col. 4, lines 29-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter unit for baby monitoring transceiver (as taught by Knoedler) by incorporating removable cover that can be removed for inserting the enclosure (as taught by Leland) to easy inserting the interior structure for maintenance purposes of a transmitter case for the baby monitor.

5. Claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoedler as modified by Leland as applied to claim 1 above and further in view of Abrams et al (U.S. Patent No. 5,512,880).

Re claim(s) 2 and 10, Knoedler discloses in combination with Leland with respect to claim 1 and Knoedler further discloses transmitter has lower housing includes base portion (46 of fig. 2) of the enclosure (48 of fig. 5) which is forming to provide connection with lower front face (20 of fig.1). But failed to disclose lower face of the receiver case or enclosure forming the hanging arrangement of the receiver case and receiver case has a mounted on a bracelet or it has a clip for attachment to a piece of clothing. However, Abrams teaches receiver hanging arrangement wherein receiver can be mounted with wrist watch by the belt (bracelet) or can be attachment by fabric of cloths with clip (100 of fig.7) and cradle housing for receiver unit of a wrist baby monitor wherein cradle housing has a lower portion (79 of fig. 3) to cooperate with the receiver unit (20 of fig.3) (see fig. 1- 7 and col.2 lines 35-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter unit for baby monitoring transceiver by incorporating removable cover that can be removed for inserting the enclosure (as taught by Leland) by including hanging arrangement by belt with wrist watch or cradle housing for receiver case (as taught by Abrams) to improve the safety system while transmitter and receiver is not operate each other or operate with more securely by hanging the receiver with wrist watch belt of baby monitoring set.

Re claim 3, Knoedler discloses in combination with Leland with respect to claim 1 except ratio between the volume of said enclosure and of the receiver case is comprised between 1.3 and 2.5. However, Abrams teaches cradle (i.e. enclosure) that

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has a dimension 2 inches depth, 1.875 inches height and 1.50 inches width i.e. total volume 5.625 cubic-inch and receiver has a dimension 2 inches height, 0.875 inches depth and 1.35 inches width i.e. total volume 2.406 cubic-inch, thus ratio between the volume of said enclosure and of the receiver case is comprised 2.33 which is between 1.3 and 2.5 (see fig. 1, col. 4 lines 22-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter unit for baby monitoring transceiver by incorporating removable cover that can be removed for inserting the enclosure (as taught by Leland) by applying ratio of cradle housing and receiver case (as taught by Abrams) for best fitting the receiver unit in the cradle enclosure properly and securely of a baby monitoring set.

6. Claims 4, 5, 6, 7, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoedler as modified by Leland as applied to claim 1 above and further in view of Ippoliti et al (U.S. Patent No. 4,319,308).

Re claim(s) 4, 5, 6, 7, 8 and 13, Knoedler discloses in combination with Leland with respect to claim 1, Knoedler further discloses transmitter has lower housing section (32 of fig. 2) comprises base portion (46 of fig. 2) (i.e. pedestal) which is carried electronics circuit for processing signals received through a microphone (34 of fig. 3) [electronics circuit manage operation through microphone]; the lower section also carries a power indicator LED (bulb) (36 of fig. 3) which connected to the electronics circuit and battery compartment for power supply (see fig. 1-6, col. 2 lines 37-60). Leland teaches

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transmitter housing comprises cover wall i.e. removable wall (40 and 42 of fig.1) and supported by spring (180 of fig 2) [cover wall can be removed and supported by elastic (spring) coupling for cooperating the retaining exterior surface]. But failed to disclose pedestal covered by exterior shell and exterior shell made of transparent materials that is transparent to light over the part of the surface. However, Ippoliti teaches sensory effect to an observer wherein uses outer wall i.e. exterior shell (1 of fig.1) and inner wall (12 of fig.1) and exterior shell made of transparent materials that's transparent to light to over the surface (col.3 lines 18-23, lines 54-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter unit for baby monitoring transceiver by incorporating removable cover that can be removed for inserting the enclosure (as taught by Leland) by including outer shell which is made of transparent materials in the transmitter unit (as taught by Ippoliti) to get light source properly for sensing purposes to provide better audio signal to receiver of baby monitoring set.

Re claim(s) 9,11,12,14 and 15 Knoedler discloses in combination with Leland with respect to claim 4,5,6,13 and 8 respectively except the internal wall of said exterior shell is covered with a light reflecting material over at least a part of its inner surface facing the bulb. However, Ippoliti teaches inner wall (2 of fig.1) of outer wall i.e. exterior shell (1 of fig.1) is covered with light reflecting surface over parts of the inner surface wherein light sources come from micro-lamp i.e. bulb (col.3 lines 18-23,lines 30-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transmitter unit for baby monitoring transceiver by incorporating removable cover that can be removed for inserting the enclosure (as taught by Leland) by covering inner wall of outer shell with light reflecting materials over parts of the inner surface (as taught by Ippoliti) to get light source properly for sensing purposes to provide better sounds effects to receiver of baby monitoring set.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (7.96)

The following patent are cited to further show the state of the art with respect to clips and bookmarks in general:

U.S. Patent No. 6,759,961 to Fitzgerald et al teaches two way communication baby monitor.

U.S. Patent No. 6,043,747 to Altenhofen teaches baby monitor system

U.S. PG. Pub. No. 2002/0022459 to Kobayashi teaches portable communication unit.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muhammad Akbar whose telephone number is (571)-270-1218. The examiner can normally be reached on Monday- Thursday (7:30 A.M.- 5:00P.M). If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system; call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA


2-15-07
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